REMARKS

This Amendment is in response to the final Office Action September 2, 2010 (the Action). Applicants appreciate the Examiner's indication that the rejections under 35 U.S.C. 101 have been overcome. Claims 1, 3, 6-7, 9, 12 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,728,685 to Ahluwalia (Ahluwalia) in view of U.S .Publication No. 2002/004846 to Bottan et al. (Bottan). Claims 5 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ahluwalia and Bottan in view of U.S. Publication No. 2003/0195811 to Hayes, Jr. et al. (Hayes).

Reconsideration is respectfully requested in view of the above amendments and the remarks that follow.

Claim 1 recites as follows:

1.   A method for processing an electronic request to purchase goods or services, the method comprising:
providing to a shopper, via a communications network, an electronic purchase order having an opportunity to select a notification option and provide electronic purchasing information, wherein the notification option, if selected, indicates that the shopper desires to be contacted if a triggering event that affects the performance of delivery occurs;
receiving from the shopper, via the communications network, the electronic purchasing information that contains an electronic request to purchase goods or services and, if the notification option was selected, optionally supplied notification information, the notification information representative of at least one communication pathway for communicating with the shopper, wherein receiving notification information further comprises receiving presence information;
creating a shopper profile associated with the shopper and electronically storing the shopper profile at an electronic data storage facility, the shopper profile containing the electronic request and the optionally supplied notification information;
providing the shopper with delivery information;
recognizing the occurrence of the triggering event using an event receiver module in a processor that affects the performance of the delivery;
accessing the notification information in the shopper profile using the electronic data storage facility;
if the shopper has selected the notification option and supplied the notification information, notifying the shopper that the triggering event has

occurred via the at least one communication pathway using the event
receiver module; and

notifying the shopper of a changed delivery date by selecting one
of a plurality of computing devices and sending the notification to the
selected one of the plurality of computing devices based on the presence
information using the event receiver module, wherein the presence
information comprises real time presence information about the shopper's
current status based on real time information of a current status of a user
network connection indicating current use by the user of one of the
plurality of computing devices, and the real time presence information is
provided by a presence database for storing the real time presence
information.

The Action concedes that Ahluwalia does not disclose that the notification is to be in
the case of a triggering event, recognizing the occurrence of the triggering event, notifying the
shopper that the triggering event has occurred, presence information, and notification
information representative of a plurality of pathways with each having a preferred rank. The
Action takes the position that these features are disclosed in Bottan.

Claim 1 as amended recites that the presence information is based on real time
information of a current status of a user network connection indicating current use by the user
of one of a plurality of computing devices. Support for the amendments can be found, for
example, in the application at paragraphs [0028] and [0039]. Applicants submit that at least
these features are not disclosed or rendered obvious by Bottan.

Bottan is directed to a system for automating the transmission of notification methods
and establishing predetermined communication connections in response to programmable
events in a personal support network. *See* Abstract. The personal support network system
accepts information from a subscriber about the identification of persons to whom
notifications are to be sent and a definition of rules that specify the conditions under which
such connections and notifications are to be activated. *See* paragraph [0008]. In the personal
support network, "[n]otifications are triggered by defined event messages sent to the personal
support network that identify the subscriber and an event type, and that may further specify
the location of the subscriber at the time the event message is sent, the identity of the sender,

and additional information characterizing the event." *See* paragraph [0009] (cited in the

Action). Bottan further states that the subscriber's location data may be provided to the

recipient of the notification message and may be used to interpret rule conditions to generate

actions depending on the subscriber's geographic position at the time the event occurs. For

example, the conditions of a set of rules may be satisfied when the subscriber is in his or her

home town and a different set of rules specifying different actions may be satisfied if the

subscriber is out of town. *See* paragraph [0026]. If certain rules are satisfied, Bottan sends

notifications to the desired recipients. *See* Abstract. Accordingly, the event message includes

information about <u>where the subscriber is when the *subscriber* sends the event message</u>. As

shown in Figure 1 of Bottan (reproduced below), the location information is received from

the user device 112 when the user device 112 sends the event message 114. Notably, Bottan

does <u>not</u> appear to identify any location information for <u>identifying where a message should

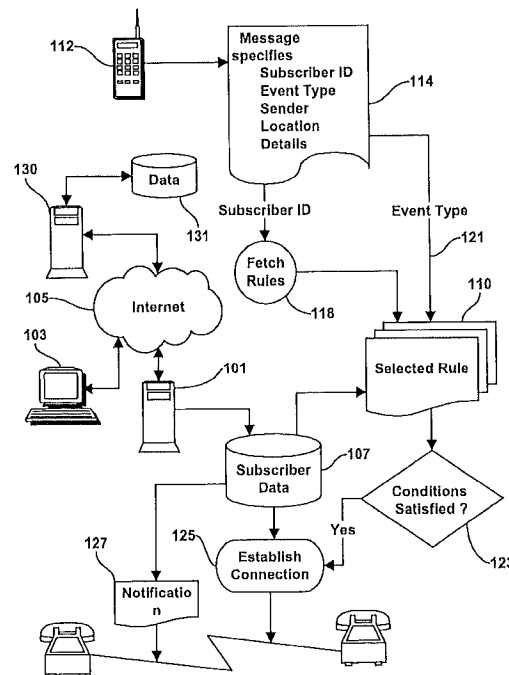be *sent*</u>, *e.g.*, where the notifications 127 should be sent.

Fig. 1

Applicants submit that Bottan proposes identifying a location of a user when the user sends a message, but does <u>not</u> determine <u>where to send a message based on presence information of the recipient</u>. Therefore, Bottan does not meet the recitation of "<u>selecting one of a plurality of computing devices and sending the notification to the selected one of the plurality of computing devices based on the presence information</u>" or that the presence information is "<u>based on real time information of a current status of a user network connection indicating current use by the user of one of the plurality of computing devices</u>."

The missing elements of Ahluwalia and Bottan are not disclosed by Hayes, which is cited with respect to Claims 5 and 11.

Independent Claims 7 and 12 recite analogous recitations to those discussed above with respect to Claim 1 and are patentable for at least the reasons discussed above. Claims 3, 5-6, 9 and 15 are patentable at least by virtue of the claims from which they depend. Accordingly, Applicants request that the rejection of Claims 1, 3, 5-7, 9, 12 and 15 be withdrawn.

CONCLUSION

Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. The Examiner is encouraged to telephone the undersigned at 919-854-1400 for resolution of any outstanding issues.

Respectfully submitted,
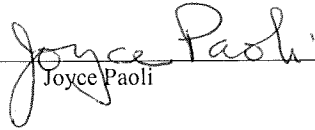
Laura M. Kelley
Registration No. 48,441

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with

§ 1.6(a)(4) to the U.S. Patent and Trademark Office on <u>March 1, 2010.</u>

Signature: _____

Joyce Paoli